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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,396	02/05/2002	Richard St.Clair Bailey	MS1-1006US	4779
22801	7590	01/16/2007		
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			EXAMINER ROSWELL, MICHAEL	
			ART UNIT	PAPER NUMBER
			2173	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	01/16/2007	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/16/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

**Office Action Summary**

Application No.

10/072,396

Applicant(s)

BAILEY ET AL.

Examiner

Michael Roswell

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 November 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 34,37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 34,37 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 200607; 2006053
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

This Office Action is in response to the Request for Continued Examination filed 21 November 2006, and the amendment to the claims filed 3 October 2006.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 34, 37, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Lum et al (US Patent 6,065,041), hereinafter Lum.

Regarding claim 34, Lum teaches the use of original equipment manufacturer (OEM) graphical user interface (GUI) software, for use in an embedded device, at col. 1, line 61 through col. 2, line 10. Furthermore, Lum teaches receiving selections from the OEM GUI software to determine the configuration and the appearance of a displayed list (see col. 4, lines 26-42; with support for list displays at col. 13, lines 10-14), accessing a generic data source that contains one or more list items (the storing of interfaces in a system database at col. 3, lines 28-36), populating the displayed list with the items from the generic data source according to one or more scrolling events received (taught as the client/server style interface updating of col. 10, lines 48-53), wherein the OEM GUI software is configured independently of the one or more media (the system database of col. 3, lines 28-36), and wherein the instructions are executable on different computing platforms and in different applications to provide the displayed list (taught as the cross platform/application functionality of col. 7, lines 55-63).

Regarding claim 37, Lum teaches an embedded computer system (col. 1, line 61 through col. 2, line 10), comprising a computer processor, a display communicatively coupled with the computer processor, a memory communicatively coupled with the computer processor (as seen in Figs. 2-3, and at col. 3, lines 28-62), the memory capable of storing an OEM selected application to be executed by the computer processor (col. 1, line 61 through col. 2, line 10), a data source locally accessible to the OEM selected application (taught as the local implementation of the architecture of Lum, at col. 3, lines 64-67), an OEM provided software that selects a configuration and an appearance of a list of data items from the data source to be presented on the display (col. 4, lines 26-42; with support for list displays at col. 13, lines 10-14), a list manager capable of being added to the OEM application and providing an interface between the data source and list (taught as the Console Application Programming Interface (CAPI) **201**, parameter manager **203** and Interface Code Interpreter **202** of col. 3, lines 28-47), wherein the list manager receives the configuration and the appearance from the OEM provided software, accesses the data source, and populates the list of data items according to the configuration and appearance (inherent in the CAPI, as it is the communicative medium between the backend and display), and wherein the list manager is capable of residing on various systems using various computing platforms and wherein the list manager is capable of being added to various applications (taught as the cross platform/application functionality of col. 7, lines 55-63).

Regarding claim 38, Lum teaches the list manager further populating the list of data items according to a scrolling event, taught as the client/server style interface updating of col. 10, lines 48-53, that includes user requested interface changes, such as scrolling events.

***Response to Arguments***

Applicant's arguments with respect to claims 34, 37, and 38 have been considered but are moot in view of the new ground(s) of rejection.

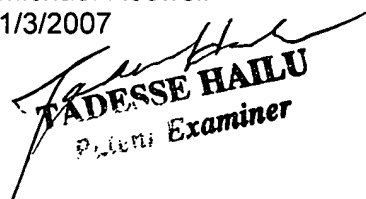
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (571) 272-4055. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Roswell  
1/3/2007

  
**TADESSE HAILU**  
Patent Examiner